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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

Case No.: **'12-MC-298**

Petitioner,

**v.**

**STATE OF OREGON PRESCRIPTION  
DRUG MONITORING PROGRAM,**

**DECLARATION OF TYLER D.  
WARNER IN SUPPORT OF PETITION  
TO ENFORCE DEA ADMINISTRATIVE  
SUBPOENA**

Respondent.

Pursuant to 28 U.S.C. § 1746, Tyler D. Warner declares under penalty of perjury that the information stated hereafter is true and correct:

1. I, Tyler D. Warner, am a Diversion Investigator of the United States Drug Enforcement Administration. Pursuant to 21 U.S.C. § 878(a)(2), I have authority to execute and serve administrative inspection warrants, subpoenas and summonses issued under the authority of the United States.

**Declaration of Tyler D. Warner**

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2. I have been involved in an ongoing investigation of the possible violations of the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., by various individuals in the Portland, Oregon metro area.

3. On January 5, 2012, DEA Group Supervisor Lori Cassity issued DEA administrative subpoena number RF-12-237101 pursuant to 21 U.S.C. § 876 to the Oregon Prescription Drug Monitoring Program in Portland, Oregon, to provide, "a Physician Profile for all Schedule II-V controlled substance prescriptions written [by Dr. . . .] from 06/01/2011 through 01/06/2012" for the physician listed in the subpoena. These records are relevant to my ongoing investigation, in that I suspect that the physician may be involved in the unauthorized distribution of controlled substances. The name listed on the subpoena has been redacted for filing with the Court.

4. On January 6, 2012, I personally served a copy of the subpoena on the Oregon Prescription Drug Monitoring Program's designated agent. The compliance date on the subpoena was January 20, 2012, at 9:00 AM.

5. To date, the Oregon Prescription Drug Monitoring Program has not complied with the subpoena. I was informed on January 18, 2012, through Oregon Assistant Attorney General Thomas Castle, that due to Oregon law, the Oregon Prescription Drug Monitoring Program will not honor the subpoena.

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6. Protected health information must be disclosed through an administrative subpoena if redacted information could not reasonably be used in the investigation. Redacted protected health information could not reasonably have been used in the investigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21<sup>st</sup> day of August, 2012, at Portland, Oregon.

  
TYLER D. WARNER  
Diversion Investigator  
Drug Enforcement Administration